

# HEALTHCARE PROXY



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**You may contact the Rural Law Center of New York, Inc. as follows:**

BY MAIL: 22 U.S. Oval, Suite 101, Plattsburgh, New York 12903

PHONE: (518) 561-5460

FAX: (518) 561-5468

OR VISIT OUR WEBSITE: [www.rurallawcenter.org](http://www.rurallawcenter.org)

# HEALTHCARE PROXY

## Your Health Care Proxy Form

A GUIDE DESIGNED AND PREPARED BY  
THE RURAL LAW CENTER OF NEW YORK, INC.

### *THIRTEEN IMPORTANT QUESTIONS*

#### **1. What is a HEALTH CARE PROXY FORM?**

A HEALTH CARE PROXY FORM is a document that specifies your wishes for how you want to be treated if you are so seriously ill that you cannot make these decisions yourself.

#### **2. What is a HEALTH CARE PROXY?**

A HEALTH CARE PROXY is the legal term for the person that you designate to make your health care decisions when you are no longer able to do so.

#### **3. What is the difference between a HEALTH CARE PROXY FORM, a HEALTH CARE AGENT FORM and a LIVING WILL?**

Before New York State passed a law creating the health care proxy, health care agent forms and living wills were both common. The health care agent form was a document very similar to the health care proxy naming someone to make health decisions for you if you were unable.

A living will is a separate document that sets forth what you want your proxy or agent to do. It does not name an agent or proxy, rather, it sets forth your wishes for what you would like your proxy to do or not do for you on your behalf.

New York State codified the health care proxy in 1990, and there is a specific form published by the New York State Department of Health that complies with the statutory requirements. You can get the form here <https://www.health.ny.gov/publications/1430.pdf>.

As time goes on, the health care proxy form has been modified to add information about WHAT you want the proxy to do, as well as WHO you want the proxy to be. The living will can still be an important document as it is a separate document stating your wishes as well.

#### **4. Why do I need a HEALTH CARE PROXY?**

You have a right to decide what kind of medical treatment you want or what kind of medical treatment you don't want. If you are seriously ill and unable to communicate your wishes, a HEALTH CARE PROXY can make decisions according to your wishes. But, you should state your wishes in an approved HEALTH CARE PROXY FORM.

#### **5. Should I talk to my doctor about this?**

Absolutely. Your HEALTH CARE PROXY FORM will be a helpful guide to anyone who is involved in your health care. Your doctor has an obligation to listen to your wishes and to honor them. Make sure your doctor knows that you have made your wishes clear in this document. In order for your doctor, or any other doctor treating you, to comply with your decisions about treatment, he or she needs to know what you have decided.

#### **6. Who can be a HEALTH CARE PROXY?**

Anyone you choose, who is over 18 years of age, can be your HEALTH CARE PROXY. However, that person should not be your health care provider, an employee of your provider, or the owner of the care facility where you are being treated.

#### **7. Who should I choose to be my HEALTH CARE PROXY?**

The person you choose should be someone you know and trust, and someone who will be able to make difficult decisions. While a close relative may be the obvious choice, you should consider whether that person may be too emotionally involved to follow your wishes. Another thing to consider, if possible, is the choice of someone who lives in the same general area that you do. No matter who you choose, be sure to discuss this fully with them and get his or her consent before completing the formal document.

#### **8. Should I choose an alternate?**

Yes. In the event that the person you have designated is not able to serve, or continue to serve as your HEALTH CARE PROXY, you should name someone who would be your next choice.

#### **9. Can I control the decisions my HEALTH CARE PROXY MAKES?**

Yes. In your HEALTH CARE PROXY FORM, and living will, you can specify exactly what medical care and procedures you want and don't want. For example, you may specify your wishes about hospital admissions, tests, surgery, medications, and treatments. You may also direct your HEALTH CARE PROXY to refuse treatment, life-sustaining machinery or artificial nutrition and hydration, if you so desire. In order to be sure that your wishes are followed, be certain to make this part of your document very clear and detailed.

#### **10. What if I change my mind?**

If you wish to make changes concerning your HEALTH CARE PROXY FORM, you should first revoke your original in writing and, if possible, destroy all copies. Make sure that your family and health care providers are informed of the change and, if necessary, have copies of the new document.

### **11. Do I need a Lawyer to write my HEALTH CARE PROXY FORM?**

You may decide that you feel more confident if a lawyer prepares your HEALTH CARE PROXY FORM. However, if you choose to do your own HEALTH CARE PROXY FORM, you must be sure to follow New York State required procedures for signatures and witnesses.

### **12. What are the technical requirements of a HEALTH CARE PROXY FORM?**

In New York State, a Health CARE PROXY FORM must be signed and dated by the person writing it. It must also be signed and dated by two witnesses.

### **13. Once it is signed, what do I do with my HEALTH CARE PROXY FORM?**

Make several copies of your completed HEALTH CARE PROXY FORM. You should give a copy to your Physician and a copy to the person you named as your Health Care Proxy. You may also want to give copies to your attorney and to close friends or family members. You should keep the original for yourself in a safe place. If a copy does not fit in your purse or wallet, you should have a card in your wallet giving information regarding the existence and location of your HEALTH CARE PROXY FORM.